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HUMAN RIGHTS QUESTIONS

Excerpts from the report of the Commission on Human Rights on its sixtieth session for consideration by the Economic and Social Council at its resumed organizational session for 2004* submitted in conformity with Council decision 1999/256 of 27 July 1999 to "include in its resumed organizational session consideration of any new proposal regarding special procedures or mandates adopted at the annual session of the Commission"

* The final edited report of the Commission on Human Rights on its sixtieth session will be issued as *Official Records of the Economic and Social Council, 2004, Supplement No. 3*. The numbering of the draft decisions reproduced in section I hereafter is provisional, and the texts of the narrative account of the proceedings, reproduced in section III hereafter, are as adopted *ad referendum* by the Commission.

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I. Draft decisions recommended for adoption by the Economic and Social Council

1. Situation of human rights in the Democratic People's Republic of Korea

The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/13 of 15 April 2004, approves the request to the Chairperson of the Commission to appoint, after consultation with the Bureau, an individual of recognized international standing and expertise in human rights as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to establish direct contact with the Government and with the people of the Democratic People's Republic, including through visits to the country, and to investigate and report on the situation of human rights in the Democratic People's Republic of Korea, including compliance with its obligations under international human rights instruments and to seek and receive credible and reliable information from all relevant actors.

The Council further approves the request to the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his/her mandate.

[See section II, resolution 2004/13, and section III, chap. IX.]

2. Situation of human rights in Belarus

The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/14 of 15 April 2004, approves the decision of the Commission to appoint a Special Rapporteur, from within existing resources, to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission at its sixty-first session.

[See section II, resolution 2004/14, and section III, chap. IX.]

3. Impunity

The Economic and Social Council, taking note of Commission on Human Rights decision 2004/72, of 21 April 2004, approves the decision of the Commission to request the

Secretary-General to appoint an independent expert, from within existing resources and for a period of one year, to update the Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II), to reflect recent developments in international law and practice, including international jurisprudence and State practice, and taking into account the independent study on impunity (E/CN.4/2004/88) commissioned by the Secretary-General pursuant to Commission resolution 2003/72, and comments received pursuant to Commission resolution 2004/72, for consideration by the Commission no later than at its sixty-first session.

[See section II, resolution 2004/72, and section III, chap. XVII.]

4. Advisory services and technical cooperation in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/82 dated 21 April 2004, endorses the Commission's decision to appoint an independent expert to consider the situation of human rights in Burundi and ensure that the authorities are honouring the commitments they have made, and to request the expert to submit an interim report to the General Assembly at its fifty-ninth session and report to the Commission at its sixty-first session.

[See section II, resolution 2004/82, and section III, chap. XIX.]

5. Advisory services and technical cooperation in the Democratic Republic of the Congo

The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/84, of 21 April 2004, approves the decision of the Commission:

(*a*) To appoint an independent expert to provide assistance to the Government of the Democratic Republic of the Congo in the field of human rights, to study the evolving situation of human rights in the Democratic Republic of the Congo and to verify that its obligations in this field are being fulfilled;

(*b*) To request the independent expert to submit a progress report on the implementation of Commission resolution 2004/84 to the General Assembly at its fifty-ninth session, and to report to the Commission at its sixty-first session;

(*c*) To request the Secretary-General to provide advisory services to this country in the field of human rights;

(*d*) To reconsider the matter at its sixty-first session under the same agenda item.

[See section II, resolution 2004/84, and section III, chap. XIX.]

6. Advisory services and technical cooperation in Chad

The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/85 dated 21 April 2004, endorses the Commission's decision to appoint an independent expert to facilitate cooperation between the Government of Chad and the Office of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights and to submit a report to the Commission at its sixty-first session.

[See section II, resolution 2004/85, and section III, chap. XIX.]

7. Protection of human rights and fundamental freedoms while countering terrorism

The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/87 dated 21 April 2004, endorses the Commission's decision to designate, from within existing resources, for a period of one year, an independent expert to assist the United Nations High Commissioner for Human Rights in the fulfilment of the mandate described in paragraphs 8 and 9 of Commission resolution 2004/87 and, taking fully into account the study requested in General Assembly resolution 58/187, as well as the discussions in the Assembly and the views of States thereon, to submit a report, through the High Commissioner, to the Commission at its sixty-first session on ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism.

[See section II, resolution 2004/87, and section III, chap. XVII.]

8. Special Rapporteur on trafficking in persons, especially in women and children

The Economic and Social Council, taking note of Commission on Human Rights decision 2004/110 of 19 April 2004, endorses the Commission's decision to appoint, for a period of three years, a Special Rapporteur whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially women and children.

The Council also endorses the Commission's request to the Special Rapporteur to submit an annual report, commencing with the sixty-first session of the Commission, together with recommendations, on measures required to uphold and protect the human rights of the victims.

The Council further approves the Commission's request to the Secretary-General to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur.

[See section II, decision 2004/110, and section III, chap. XII.]

9. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights decision 2004/128 of 23 April 2004, endorses the Commission's request:

(*a*) To appoint an independent expert on the situation of human rights in the Sudan for a period of one year and its request to the independent expert to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session on the situation of human rights in the Sudan;

(*b*) To the Secretary-General to provide all necessary assistance to the independent expert to enable him/her to discharge the mandate fully.

[See section II, decision 2004/128, and section III, chap. III.]

II. Resolutions and decisions adopted by the Commission at its sixtieth session

2004/13. Situation of human rights in the Democratic People's Republic of Korea

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and to implement the obligations they have assumed under international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling its resolution 2003/10 of 16 April 2003,

Noting the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.35), and its second periodic report on the implementation of the Convention on the Rights of the Child (CRC/C/65/Add.24) as a sign of more active engagement in international cooperative efforts in the field of human rights, and encouraging the Democratic People's Republic of Korea to continue to submit its reports in a timely manner,

Taking note of the concluding observations of the Committee on Economic, Social and Cultural Rights on the reports submitted by the Democratic People's Republic of Korea,

Expressing its deep concern at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition which, despite recent progress, still affects a significant percentage of children and their physical and mental development,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

Underlining the importance of the effective continuation of the process of rapprochement between the two Koreas and noting progress in this respect,

Welcoming the fact that the Democratic People's Republic of Korea has held consultations with some countries on human rights issues,

Desiring to promote a constructive approach leading to concrete progress in the field of human rights,

1. *Expresses its deep concern* about continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(*a*) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour, and lack of respect for the rights of persons deprived of their liberty;

(*b*) Sanctions on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason leading to punishments of internment, torture, inhuman or degrading treatment or the death penalty, and infanticide in prison and labour camps;

(*c*) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association and on access of everyone to information, and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(*d*) Continued violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for prostitution or forced marriage, ethnically motivated forced abortions and infanticide, including by labour-inducing injection, or natural delivery, by repatriated mothers, including in police detention centres and labour-training camps;

2. *Notes with regret* that the authorities of the Democratic People's Republic of Korea have not created the necessary conditions to permit the international community, including the United Nations system, to examine these reports in an independent manner and calls upon the Government to address these reports and concerns in an open and constructive manner, including:

(*a*) By providing all pertinent information concerning the above-mentioned issues and removing restrictions on access to the country by the international community;

(*b*) By ratifying human rights instruments to which the Democratic People's Republic of Korea is not yet a party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and by implementing its obligations under the human rights instruments to which the Democratic People's Republic of Korea is a party, namely the International Covenant on Economic, Social and Cultural Rights, in particular concerning the right of everyone to be free from hunger, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, ensuring that all necessary measures are undertaken to this end;

(*c*) By adhering to internationally recognized labour standards and considering as a matter of priority joining the International Labour Organization and becoming party to the Convention concerning Forced or Compulsory Labour, 1930 (No. 29) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182);

(*d*) By implementing the recommendations of the Committee on the Rights of the Child, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

(*e*) By refraining from sanctioning citizens of the Democratic People's Republic of Korea who have moved to other countries and refraining from treating their departure as treason leading to punishments of internment, inhuman or degrading treatment or the death penalty, and by putting an immediate end to maltreatment and infanticide in prison and labour camps;

(*f*) By cooperating with the United Nations system in the field of human rights and cooperating without restriction with the thematic procedures of the Commission on Human Rights relevant to the situation of the Democratic People's Republic of Korea, in particular with the Special Rapporteur on the right to food, the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on violence against women, its causes and consequences, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, as well as with international human rights organizations, including human rights defenders;

(*g*) By developing a constructive dialogue with the United Nations High Commissioner for Human Rights and her Office;

(*h*) By resolving, clearly and transparently and urgently, all the unresolved questions relating to the abduction of foreigners;

(*i*) By cooperating with its neighbouring Governments to bring an end to the trafficking of women;

3. *Urges* the authorities of the Democratic People's Republic of Korea to ensure that humanitarian organizations, including non-governmental organizations and United Nations agencies, in particular the World Food Programme, have full, free, safe and unimpeded access to all parts of the Democratic People's Republic of Korea in order for them to ensure that humanitarian assistance is delivered impartially on the basis of need, in accordance with humanitarian principles;

4. *Requests* the international community to continue to urge the Government of the Democratic People's Republic of Korea to ensure that humanitarian assistance, especially food aid, destined for the people of the Democratic People's Republic of Korea is distributed in accordance with humanitarian principles and that representatives of international humanitarian actors are allowed to travel throughout the country to monitor this distribution, and to ensure the respect for the fundamental principles of asylum;

5. *Requests* the Chairperson of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea;

6. *Requests* the Special Rapporteur to establish direct contact with the Government and with the people of the Democratic People's Republic of Korea, including through visits to the country, and to investigate and report on the situation of human rights in the Democratic People's Republic of Korea and on the Government's compliance with its obligations under international human rights instruments;

7. *Also requests* the Special Rapporteur, in carrying out this mandate, to seek and receive credible and reliable information, including through visits to the country, from all relevant actors, including Governments, non-governmental organizations and any other parties who have knowledge of these matters;

8. *Calls upon* the Government of the Democratic People's Republic of Korea to extend its full and unreserved cooperation to, and to assist the Special Rapporteur in the discharge of his/her mandate and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Democratic People's Republic of Korea whom he/she might wish to meet;

9. *Requests* the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his/her mandate;

10. *Requests* the Special Rapporteur to report his/her findings and recommendations to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session;

11. *Requests* all relevant special rapporteurs and special representatives to examine alleged human rights violations in the Democratic People's Republic of Korea and to report thereon to the Commission at its sixty-first session, and requests the Secretary-General to give all necessary assistance to enable the special rapporteurs and special representatives to discharge their mandates fully, including through visits to the country;

12. *Requests* the High Commissioner to engage in a comprehensive dialogue with the authorities of the Democratic People's Republic of Korea with a view to establishing technical cooperation programmes in the field of human rights and to submit her findings and recommendations to the Commission at its sixty-first session;

13. *Decides* to continue its consideration of this question at its sixty-first session under the same agenda item, as a matter of high priority;

14. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see section I, draft decision 1.]

50th meeting
15 April 2004
[Adopted by a recorded vote of 29 votes to 8, with 16 abstentions. See section III, chap. IX.]

2004/14. Situation of human rights in Belarus

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the international obligations they have freely undertaken,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling its resolution 2003/14 of 17 April 2003,

Welcoming the agreement in principle of the Government of Belarus to receive the Working Group on Arbitrary Detention,

Mindful of the requests made to the Government of Belarus by the Working Group on Enforced or Involuntary Disappearances regarding the disappearance of the former Minister of Internal Affairs, Yury Zakharenko,

Noting the decision of the Governing Body of the International Labour Office to set up a commission of inquiry, the conclusions and recommendations of the Committee against Torture on the third periodic report of Belarus, which appear in the report of the Committee on its twenty-fifth and twenty-sixth sessions (A/56/44), and the recommendations of the Special Rapporteur on the independence of judges and lawyers contained in his report on the mission to Belarus (E/CN.4/2001/65/Add.1), as well as the lack of progress of the Government of Belarus in addressing the noted shortfalls,

1. *Expresses deep concern*:

(*a*) At reports from credible sources, including statements of former investigators and senior law enforcement officials of the Government of Belarus, and the report of the Council of Europe approved by the Parliamentary Assembly's Committee on Legal Affairs and Human Rights in January 2004, implicating senior officials of the Government of Belarus in the forced disappearance and/or summary execution of three political opponents of the incumbent authorities and of a journalist;

(*b*) About the electoral process and legislative framework in Belarus, which remain fundamentally flawed, as local elections held in March 2003 have shown, in spite of detailed recommendations being made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe after previous elections;

(*c*) About continued reports of cases of arbitrary arrest and detention;

(*d*) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, opposition political parties and independent trade unions, and the harassment of individuals engaged in democratic activities, including independent media;

(*e*) About increased restrictions on the activities of religious organizations;

(*f*) About reports of harassment of independent and internationally oriented educational establishments such as the European Humanities University and the Yakub Kolas Humanities Lyceum;

(*g*) About the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Commission, as requested in its resolution 2003/14;

(*h*) About the criminal prosecution of a leading opposition figure;

2. *Urges* the Government of Belarus:

(*a*) To dismiss or suspend from their duties law enforcement officers and public officials implicated in forced disappearances and/or summary executions, pending an impartial, credible and full investigation of those cases;

(*b*) To ensure that all necessary measures are taken to investigate fully and impartially all cases of forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of Belarus;

(*c*) To bring the electoral process and legislative framework into line with international standards and facilitate the involvement of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe in forthcoming elections;

(*d*) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

(*e*) To establish independence of the judiciary and end impunity for persons responsible for killing or injuring individuals;

(*f*) To release scientists and other individuals detained for politically motivated reasons; to cease harassment of non-governmental organizations, political parties, trade unions, independent media and democracy and human rights activists; to undertake a review of domestic laws and practices regarding the compulsory registration of non-governmental organizations; to bring the 2002 Law on Religion into conformity with its international human rights obligations and to refrain from implementing this law until it is so amended;

(*g*) To cooperate fully with the office of the Organization for Security and Cooperation in Europe in Minsk and respect the mandate agreed by consensus among the member States of the Organization;

(*h*) To use the expertise available in the Organization for Security and Cooperation in Europe and the Council of Europe to ensure that the draft law on media meets international standards and does not, directly or indirectly, further restrict the printing or distribution of independent media in Belarus;

3. *Also urges* the Government of Belarus to cooperate fully with the Working Group on Arbitrary Detention, in particular through facilitating its visit in September 2004;

4. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Commission, including by extending invitations to the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, as well as the Working Group on Enforced or Involuntary Disappearances, and through requesting technical assistance;

5. *Decides* to appoint a Special Rapporteur, from within existing resources, to establish direct contacts with the Government and with the people of Belarus, with a view to

examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission at its sixty-first session;

6. *Decides* to consider this question at its sixty-first session, under the same agenda item.

50th meeting
15 April 2004
[Adopted by a recorded vote of 23 votes to 13, with 17 abstentions. See section III, chap. IX.]

2004/72. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto of 8 June 1977, and other relevant human rights and international humanitarian law instruments, including the Vienna Declaration and Programme of Action,

Recalling its resolution 2003/72 of 25 April 2003,

Reaffirming the duty of all States to put an end to impunity and to prosecute, in accordance with their obligations under international law, those responsible for all violations of human rights and international humanitarian law that constitute crimes, including genocide, crimes against humanity and war crimes, in order to promote accountability, respect for international law and justice for the victims, deter the commission of such crimes and fulfil the responsibility of States to protect all persons from such crimes,

Convinced that impunity for violations of human rights and international humanitarian law that constitute crimes encourages such violations and is a fundamental obstacle to the observance and full implementation of human rights and international humanitarian law,

Convinced also that exposing violations of human rights and international humanitarian law that constitute crimes, holding their perpetrators, including their accomplices, accountable, obtaining justice and an effective remedy for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, are integral to the promotion and implementation of human rights and international humanitarian law and to the prevention of future violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the Stockholm International Forum "Preventing Genocide: Threats and Responsibilities", which took place from 26 to 28 January 2004, and the declaration of the Forum, as well as the decision by the Secretary-General to create a new post of Special Rapporteur on the Prevention of Genocide,

Acknowledging the importance of the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda in combating impunity,

Recognizing the establishment of the International Criminal Court as an important contribution to ending impunity, and noting the first referral by a State of a situation to the Court,

Recognizing also, as measures to combat impunity, the establishment of special regional and national tribunals, and judicial proceedings, often with international support, which are bringing to justice the perpetrators of violations of human rights and international humanitarian law that constitute crimes,

Welcoming cooperation between international criminal tribunals, including sharing lessons learned and devising effective approaches to meet challenges faced, to advance the common goal of strengthening the international criminal justice system,

1. *Emphasizes* the importance of combating impunity for the prevention of violations of human rights and international humanitarian law and urges States to end impunity for such crimes by bringing the perpetrators, including accomplices, to justice in accordance with international law;

2. *Recognizes* that States must prosecute or extradite perpetrators of international crimes such as genocide, crimes against humanity, war crimes and torture in accordance with their international obligations, and urges all States to take effective measures to implement these obligations;

3. *Also recognizes* that amnesties should not be granted to those who commit violations of human rights and international humanitarian law that constitute crimes, urges States to take action in accordance with their obligations under international law and welcomes the lifting, waiving, or nullification of amnesties and other immunities;

4. *Reaffirms* that States should not grant asylum to any person with respect to whom there are serious grounds for considering that he or she has committed genocide, crimes against humanity, or war crimes;

5. *Urges* all States to ensure that all military commanders and other superiors are aware of their criminal responsibility under international law for genocide, crimes against humanity and war crimes, including, under certain circumstances, for those committed by subordinates under their effective authority and control;

6. *Urges* States to bring to justice those responsible for gender-related crimes and crimes of sexual violence that constitute, in defined circumstances, genocide, crimes against humanity, or war crimes;

7. *Also urges* States to assist each other, in accordance with their international obligations and domestic law, in detecting, arresting and bringing to justice persons suspected of having committed international crimes including genocide, crimes against humanity and war crimes;

8. *Acknowledges* the historic significance of the entry into force of the Rome Statute of the International Criminal Court (A/CONF.183/9) on 1 July 2002, recognizes that to date 92 States have ratified or acceded to the Rome Statute and calls upon all States that have not yet done so to consider ratifying or acceding to it;

9. *Recognizes* the fundamental importance of the principle of complementarity in the Rome Statute and stresses the importance of the implementation by States parties of their obligations under the Statute;

10. *Calls upon* States to continue to support the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, and to consider supporting other initiatives to establish judicial mechanisms in cooperation with the United Nations, in accordance with international standards of justice, fairness and due process of law, including at the regional and national levels;

11. *Urges* States to provide the victims of violations of human rights and international humanitarian law that constitute crimes, with a fair and equitable process through which these violations can be investigated and made public in the interest of the victims and to encourage victims to participate in such a process, including by taking measures to ensure the protection of, and support and assistance to, victims and witnesses, that are appropriate and sensitive to their needs, including contact points and child- and gender-sensitive procedures and attention to crimes of sexual violence, in judicial and truth and reconciliation processes;

12. *Welcomes* in this regard the establishment in some States of judicial proceedings and commissions of truth and reconciliation, including those with international participation, to address violations of human rights and international humanitarian law, welcomes the publication in those States of the reports of such investigations and commissions, urges all States to make their reports accessible to the public and to implement, and monitor implementation of, their recommendations, and encourages other States where such violations have occurred in the past to establish appropriate processes to address them, consistent with international standards of justice, fairness, and due process of law;

13. *Calls upon* all States to ensure that criminal proceedings are conducted in accordance with the right to a fair and public hearing by a competent, independent, impartial and duly constituted tribunal in accordance with applicable international law, and to ensure that penalties are appropriate and proportionate to the gravity of the crime committed;

14. *Recognizes* the important role of civil society in combating impunity and encourages States to involve, as appropriate, civil society, including victims and human rights defenders, in efforts to combat impunity, including judicial processes and the design of truth commissions, the selection of commissioners and the drafting of relevant legislation;

15. *Encourages* States to strengthen training of police, investigative, prosecutorial and judicial personnel in human rights and international humanitarian law;

16. *Recalls* the Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II), takes note that the Set of Principles has already been applied at the regional and national levels, and invites other States, intergovernmental organizations and non-governmental organizations to consider the Set of Principles in efforts to combat impunity;

17. *Takes note with appreciation* of the independent study on impunity (E/CN.4/2004/88), commissioned by the Secretary-General pursuant to Commission resolution 2003/72 as well as the expert workshop on best practices to combat impunity held in Geneva on 8 and 9 December 2003, organized by the Office of the United Nations High Commissioner for Human Rights;

18. *Encourages* States in their efforts to strengthen their domestic capacity to combat impunity and to consider the recommendations and best practices identified in the independent study on impunity, and requests the United Nations High Commissioner for Human Rights to provide, upon request, technical and legal assistance in developing national legislation and institutions to combat impunity in accordance with international standards of justice, fairness and due process of law;

19. *Requests* the Secretary-General again to invite States and intergovernmental and non-governmental organizations to provide information, including best practices, on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations, as well as views on the Set of Principles for the protection and promotion of human rights through action to combat impunity;

20. *Also requests* the Secretary-General to appoint an independent expert, from within existing resources and for a period of one year, to update the Set of Principles for the protection and promotion of human rights through action to combat impunity to reflect recent developments in international law and practice, including international jurisprudence and State practice, and taking into account the independent study and comments received pursuant to the present resolution, for consideration by the Commission no later than at its sixty-first session;

21. *Invites* the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

22. *Decides* to continue its consideration of this matter at its sixty-first session under the same agenda item.

57th meeting
21 April 2004
[Adopted without a vote. See section III, chap. XVII.]

2004/82. Advisory services and technical cooperation in Burundi

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various instruments in this field,

Mindful that Burundi is required to implement all the international and regional instruments to which it is party, and applauding the close cooperation between the Government of Burundi and the Office in Burundi of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights,

Applauding the Government of Burundi's compliance with the Arusha Peace and Reconciliation Agreement, signed on 28 August 2000, and the various subsequent agreements seeking genuinely to promote the rule of law,

Recalling its resolution 2003/16 of 17 April 2003 and welcoming the positive turn in the situation in the country,

Hailing the decision by the Security Council, on 23 January 2004, to send to Burundi an evaluation mission on the establishment of an international judicial commission of inquiry for Burundi as requested by the Transitional Government,

Acknowledging the efforts made by the United Nations, the African Union and the European Union to contribute to a peaceful settlement of the Burundi crisis,

Also acknowledging the duty of the Transitional Government to ensure the safety of all, civil population groups in particular, on Burundian territory,

Mindful of the need to back efforts by the Government of Burundi to ensure the safety of humanitarian workers in accordance with the principles of international law,

Hailing the alternation of the presidency on 30 April 2003, as called for in the Transitional Constitution,

Applauding the signature, on 8 October 2003, of the Pretoria Protocol on Political, Defence and Security Power-Sharing in Burundi between the Transitional Government and Pierre Nkurunziza's Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD), the signature of the Global Ceasefire Agreement on 16 November 2003 in Dar es Salaam, United Republic of Tanzania, and the start made to its implementation through the creation of a transitional Government including representatives of CNDD-FDD (Nkurunziza wing),

Recalling the decision of the Organization of African Unity of July 2000 (CM/Dec.522 (LXXII) Rev.1), the statement by the President of the Security Council of 2 March 2001 (S/PRST/2001/6), and the statements issued by the Presidency of the European Union on 6 March 2001 and 19 November 2003, all on Burundi,

Applauding the establishment of the Arusha Agreement Implementation Monitoring Committee, with headquarters in Burundi, and the initial implementation of some ceasefire-accompanying measures such as the arrival of the team of observers and the establishment of the Joint Ceasefire Commission, the integrated army general staff and the police general staff,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process and the facilitation work by the former President of South Africa, Mr. Nelson Mandela, which has already yielded tangible results, including the signature of the Arusha Agreement, and contributions by the Chairperson of the Regional Peace Initiative on Burundi, Mr. Yoweri K. Museveni, President of Uganda, and by the President of South Africa, Mr. Thabo Mbeki and his Vice-President, Mr. Jacob Zuma,

Also recognizing the important role of women in the reconciliation process and the search for peace,

Applauding the constructive attitude of the Government of Burundi and its willingness to continue to cooperate with the Office of the High Commissioner in consolidating the principles of human rights,

1. *Takes note* of the report of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2004/35);

2. *Encourages* the Transitional Government to continue its actions aimed at associating all sectors of society in the work of national reconciliation and the restoration of an institutional order that is safe and reassuring for everyone so as to bring back democracy and peace in the interest of the population of Burundi;

3. *Also encourages* the Transitional Government, with support from its partners, to continue the cantonment and disarmament process as part of the national disarmament, demobilization and reintegration programme;

4. *Condemns* all acts of violence and violations of human rights and international humanitarian law and calls on the Transitional Government to put an end to impunity within the context of the rule of law and ensure that those responsible for violence in general, and violence against women in particular, are brought to justice in accordance with international conventions and the law;

5. *Also condemns* the sale and illegal distribution of weapons and related materials, which hinder peace and security in the region;

6. *Deplores* the killing of the Apostolic Nuncio, Mgr. Michael Courtney, and calls upon the Government to bring those responsible to justice;

7. *Enjoins* all parties, namely the Transitional Government, the signatories of the Arusha Agreement and the signatories of the ceasefire, to honour their commitments and to pay special attention to the protection of human rights in the implementation and follow-up machinery for the ceasefires that have been signed, and urges Agathon Rwasa's armed movement - the Forces nationales de libération - to come to the negotiating table and conclude a ceasefire, like the other armed groups, in order to arrive at a complete and definitive ceasefire;

8. *Encourages* the continuing voluntary repatriation of refugees hosted in the United Republic of Tanzania, pursuant to the tripartite agreements between the Office of the United Nations High Commissioner for Refugees and the Governments of the United Republic of Tanzania and Burundi, calls on the parties concerned to establish and promote conditions permitting voluntary, permanent return in full security, further recommends the Transitional Government and humanitarian partners to provide the displaced persons with humanitarian assistance and to facilitate their return and reintegration, and encourages the Transitional Government to continue the settlement of disputes relating to the property of repatriated and displaced persons;

9. *Again encourages* the Transitional Government of Burundi to ratify the Rome Statute of the International Criminal Court (A/CONF.183/9);

10. *Applauds* the establishment by the Transitional Government of a "child soldier" project to deal with disarmament, demobilization and return to life in society and normal occupations, and of the general demobilization programme under the Office of the President of the Republic, while urging those parties which have not yet done so to stop using children as soldiers;

11. *Applauds* the progress made towards ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

12. *Encourages* the Transitional Government to continue to improve the status of women, promote the rehabilitation of female victims of armed conflict and violence, and improve their living conditions;

13. *Applauds* the fact that the proportion of at least 30 per cent female membership of institutions advocated in the Arusha Agreement has been respected and put into effect in the Transitional Government, National Assembly and Senate;

14. *Expresses its appreciation* of the efforts by the mediators of the United Nations, the African Union and the European Union in the search for a lasting solution to the problems of Burundi;

15. *Reaffirms* that respect for human rights and international humanitarian law and development make for peace, notes the proposal to hold an international conference on peace, security and stability in the Great Lakes region, calls on the international community to participate in that conference, as recommended by the Security Council in its resolution 1234 (1999) of 9 April 1999, and also calls on all the parties to facilitate access for humanitarian personnel to the civilian populations affected by the conflict;

16. *Urges* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development with a view to encouraging reconstruction and reconciliation;

17. *Exhorts* the Transitional Government to take steps to promote and protect all human rights in Burundi;

18. *Calls on* the Transitional Government to establish an independent national human rights commission, in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

19. *Applauds* the outcome of the Forum of Partners for Development in Burundi held in Brussels in January 2004, and calls upon the Transitional Government and donors to continue to act upon their promises so as to give weight to the new drive for peace, reconciliation and national reconstruction;

20. *Encourages* the international community to make greater assistance available to the judicial system and the National Commission for the Rehabilitation of *Sinistrés* (Survivors), and to increase the financial and human resources available to the Office of the High Commissioner in Burundi so that it can improve its work in the field and carry out its mandate effectively;

21. *Requests* the United Nations High Commissioner for Human Rights, in consultation with the Government of Burundi, to continue with her programme of technical assistance in accordance with the cooperation framework agreement in the field of human rights between the United Nations and the Government of Burundi dated 8 November 1995;

22. *Expresses its gratitude* to the Special Rapporteur, Ms. Marie-Thérèse A. Keita-Bocoum, for the human rights work she has performed under her mandate;

23. *Decides* to appoint an independent expert to provide backing for the Government of Burundi in its efforts to improve the human rights situation;

24. *Requests* the independent expert to consider the situation of human rights in Burundi and ensure that the authorities are honouring the commitments they have made, to submit an interim report on the implementation of this resolution to the General Assembly at its fifty-ninth session, and to report to the Commission at its sixty-first session;

25. *Decides* to return to this question at its sixty-first session under the same agenda item;

26. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see section I, draft decision 4.]

58th meeting
21 April 2004
[Adopted without a vote. See section III, chap. XIX.]

2004/84. Advisory services and technical cooperation in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all States Members have an obligation to promote and protect human rights and fundamental freedoms,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Bearing in mind its previous relevant resolutions, the most recent of which is resolution 2003/15 of 17 April 2003, those of the General Assembly, the most recent of which is resolution 58/123 of 17 December 2003, and the Security Council resolutions on the subject, the most recent of which is resolution 1533 (2004) of 12 March 2004,

Recalling the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2003/3/Add.3), concerning the massacres that took place in the region of Kisangani on 14 May 2002 and thereafter and referring in that connection to the statements made by the President of the Security Council on 19 November 2003 (S/PRST/2003/21), 20 November 2003 (S/PRST/2003/23) and 26 January 2004 (S/PRST/2004/2),

Taking note of the report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/1098) and of his progress report on the recommendations of the Security Council mission to Central Africa (S/2004/52), and concerned at the violations of human rights and international humanitarian law committed in the territory of the Democratic Republic of the Congo,

Concerned at reports of violations of human rights and international humanitarian law in the eastern part of the Democratic Republic of the Congo, particularly in North Kivu and South Kivu, northern Katanga and Ituri, as described in the above-mentioned reports,

1. *Welcomes*:

(*a*) The promulgation by the head of State, on 4 April 2003, of the Constitution which is to govern the country during the period of transition, the commencement of work by the Government of National Unity and Transition in the Democratic Republic of the Congo on 17 July 2003, the inauguration of the National Assembly and the Senate on 22 August 2003, and the official announcement of the establishment of five institutions to support the transition, on 28 August 2003;

(*b*) The extension of the mandate and increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo, in accordance with Security Council resolution 1493 (2003) of 28 July 2003, and the support for the implementation of the Pretoria and Lusaka Peace Agreements;

(*c*) The activities of human rights defenders and the action of the Congolese Ministry of Human Rights, as well as the growth in the media;

(*d*) The action taken by the human rights field office in the Democratic Republic of the Congo, and encourages the Government to continue to strengthen cooperation with this office;

(*e*) The joint initiative of the Government of the Democratic Republic of the Congo and United Nations agencies and non-governmental organizations to combat sexual violence against women and children;

(*f*) The report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo to the fifty-eighth session of the General Assembly (see A/58/534), her visit to the Democratic Republic of the Congo from 29 November to 10 December 2003 and her report to the Commission at its sixtieth session (E/CN.4/2004/34), and thanks the Special Rapporteur for her work;

(*g*) The consultations between the Secretary-General and the United Nations High Commissioner for Human Rights on ways of dealing with the problem of impunity in the Democratic Republic of the Congo, and recalls the High Commissioner's proposal to establish an international body of inquiry to investigate violations of human rights and international humanitarian law;

2. *Expresses its concern* at:

(*a*) Persistent reports of serious violations of human rights and international humanitarian law in the eastern part of the Democratic Republic of the Congo, particularly in North Kivu and South Kivu, northern Katanga and Ituri, as described in the above-mentioned reports;

(*b*) The violations of freedom of expression, opinion, association and assembly, and the attacks against human rights defenders throughout the Democratic Republic of the Congo, particularly in the eastern part of the country;

3. *Condemns*:

(*a*) The persistent violations of human rights and international humanitarian law in the Democratic Republic of the Congo, particularly the armed violence and reprisals against the civilian population in Ituri, North Kivu and South Kivu, northern Katanga and other areas in the eastern part of the country;

(*b*) All the massacres that have occurred in Ituri, particularly in Drodro and Katchele and, more recently, in Gobu and Kitenge (Katanga province), and supports the efforts of the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights to investigate them;

(*c*) The cases of summary or arbitrary execution, disappearance, torture, harassment, unlawful arrest, widespread persecution and arbitrary detention for long periods;

(*d*) The widespread recourse to sexual violence against women and children, as a means of subduing the civilian population;

(*e*) The impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the Democratic Republic of the Congo is a party to the Rome Statute of the International Criminal Court (A/CONF.183/9);

(*f*) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, which has established a link between that exploitation and the continuation of armed clashes;

4. *Urges* all the parties, including the signatories of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 September 2002:

(*a*) To refrain from all military activity, including support for the armed groups allied to them, in order to promote strengthening of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(*b*) To provide support for the transition and its institutions in order to permit the restoration of political and economic stability and the progressive strengthening of State machinery throughout the Democratic Republic of the Congo, in accordance with their obligations under the Transitional Constitution;

(*c*) To allow free and secure access to all areas in order to permit and facilitate investigations of the presumed serious violations of human rights and international humanitarian law, so that the perpetrators are brought to justice, and to that end to cooperate fully with national and international human rights protection mechanisms in the interests of the investigations of the presumed violations of human rights and international humanitarian law in the Democratic Republic of the Congo;

(*d*) To ensure that the military officers whose names are mentioned in the report of the High Commissioner in connection with serious violations of international humanitarian law and human rights should continue to be investigated and, if the conclusions of the investigations so warrant, be brought to justice;

(*e*) To prevent conditions that lead to flows of displaced persons in the territory of the Democratic Republic of the Congo and across its borders, and to apply all necessary measures to encourage the voluntary return of all refugees and displaced persons;

(*f*) To put an end to the recruitment and use of child soldiers, which are contrary to international law and the African Charter on the Rights and Welfare of the Child, bearing in mind that, under the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, persons under the age of 18 are entitled to special protection, and to provide information on measures taken to discontinue such practices;

(*g*) To protect human rights and to respect international humanitarian law, in particular by ensuring the safety, security and freedom of movement of all civilians, and that of United Nations personnel and associated personnel, as well as free access for humanitarian personnel to all affected population groups throughout the Democratic Republic of the Congo;

(*h*) To respect and promote the full exercise of all human rights by women and to take special measures to protect women and children from all sexual and other forms of violence;

5. *Calls upon* the Government of National Unity and Transition to take specific measures:

(*a*) To achieve the objectives of the period of transition as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels, enabling the establishment of a democratic constitutional regime and the formation of a restructured and integrated national army, as well as the formation of an integrated and properly equipped national police force;

(*b*) To comply fully with its obligations under international human rights instruments, and accordingly to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the human rights field office in the Democratic Republic of the Congo;

(*c*) To strengthen the transitional institutions, and in particular to set up effectively the Independent Electoral Commission, the Truth and Reconciliation Commission and the Human Rights Monitoring Centre, and to restore stability and the rule of law throughout the Democratic Republic of the Congo, thus enabling the population to experience peace and progress once again;

(*d*) To put an end to impunity and ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process, and to that end requests the High Commissioner to keep it informed of the consultations between the human rights field office in the Democratic Republic of the Congo and the Secretary-General concerning the ways to assist the Transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity;

(*e*) To cooperate with the International Criminal Court and to continue to cooperate with the International Tribunal for Rwanda;

(*f*) To continue to reform the judicial system, and notes the entry into force of the presidential decrees on the reform of the military justice system and the establishment of conventional military courts;

(*g*) To reinstate the moratorium on capital punishment and persevere in its declared objective of progressively abolishing the death penalty;

(*h*) To adopt speedily and implement the national disarmament, demobilization and reintegration programme, and to cooperate closely with the United Nations Organization Mission in the Democratic Republic of the Congo in that regard;

(*i*) To respond to the specific needs of women and girls during the period of post-conflict reconstruction and ensure as soon as possible the full participation of women in all aspects of the settlement process and the peace process, in particular peacekeeping, conflict management and the consolidation of peace;

(*j*) To continue to cooperate with the United Nations system, humanitarian organizations and the World Bank in order to ensure the rapid demobilization and reintegration of armed groups and of child soldiers in particular;

6. *Calls on* the international community:

(*a*) To support the transition and its institutions, in particular by providing financial and political support in the fields of reform of the security sector, the rule of law and the electoral process;

(*b*) To support the human rights field office in the Democratic Republic of the Congo to enable it to implement its programmes fully;

(*c*) To facilitate the scheduled holding of an international conference on peace, security, democracy and development in the Great Lakes region, under the auspices of the United Nations and the African Union, to be attended by all the Governments of the region and all the other parties concerned, and to promote human rights and humanitarian issues as one of the main themes of the conference;

7. *Decides*:

(*a*) To appoint an independent expert to provide assistance to the Government of the Democratic Republic of the Congo in the field of human rights, to study the evolving situation of human rights in the Democratic Republic of the Congo and to verify that its obligations in this field are being fulfilled;

(*b*) To request the independent expert to submit a progress report on the implementation of the present resolution to the General Assembly at its fifty-ninth session, and to report to the Commission at its sixty-first session;

(*c*) To request the Secretary-General to provide advisory services to this country in the field of human rights;

(*d*) To reconsider the matter at its sixty-first session under the same agenda item.

58th meeting
21 April 2004
[Adopted without a vote. See section III, chap. XIX.]

2004/85. Advisory services and technical cooperation in Chad

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various instruments in this field,

Mindful that Chad is required to implement all the international and regional instruments to which it is a party,

Recalling its resolution 2003/81 of 25 April 2003,

Welcoming the positive attitude of the Government of Chad and its readiness to cooperate with the Office of the United Nations High Commissioner for Human Rights with a view to consolidating the culture of human rights,

Welcoming also the readiness of the Government of Chad to cooperate with the special procedures of the Commission,

1. *Takes note* of the existence in Chad of a formal regulatory and institutional framework answering to the requirements of the rule of law;

2. *Welcomes with satisfaction*:

(*a*) The joint needs-assessment mission to Chad undertaken by the Office of the High Commissioner and the United Nations Development Programme between 26 February and 4 March 2004 with a view to the preparation, in consultation with the Government of Chad, of a programme of technical assistance and advisory services in the field of human rights;

(*b*) The willingness of the Government of Chad to cooperate closely with its international partners in improving the legal and institutional environment with a view to greater respect for human rights;

(*c*) The existence of a lively civil society in Chad;

3. *Voices its deep concern*:

(*a*) At the violence, in particular the intercommunal violence exacerbated by ethnic tensions, and the unhelpful contribution made to the situation by paramilitaries and demobilized soldiers;

(*b*) At the dependence of the judiciary upon the executive;

(*c*) At the scarcity of physical and human resources in the judicial and prison sectors;

(*d*) At the culture of impunity resulting from the dysfunction of the justice system and the violent political and social environment;

(*e*) At the weakness of the national human rights structures and institutions;

4. *Urges all parties*:

(*a*) To establish coordination among the various national structures and institutions and between them and Chad's development partners;

(*b*) To promote collaboration and dialogue among the various entities active in the field of human rights with a view to preventing and resolving intercommunal conflicts;

(*c*) To increase the capabilities of civil society;

(*d*) To devise a human rights awareness, popularization and education programme and strategy for cultivating a spirit of tolerance and civic responsibility;

(*e*) To support reform of the justice system;

(*f*) To support structures and institutions for the promotion and protection of human rights;

(*g*) To support the common country assessment and United Nations Development Assistance Framework process;

(*h*) To encourage the integration of human rights into the activities and programmes of the United Nations country team in Chad;

5. *Urges* the Government of Chad:

(*a*) To strengthen the justice sector in order to combat impunity;

(*b*) To promote the rights of women and children;

(*c*) To take action to eradicate violence, insecurity and social and cultural antagonism;

(*d*) To promote the rights of refugees and displaced persons;

(*e*) To consider ratifying the international human rights agreements and apply them in full;

6. *Decides*:

(*a*) To appoint an independent expert for an initial period of one year to facilitate cooperation between the Government of Chad and the Office of the High Commissioner in the promotion and protection of human rights and to submit a report to the Commission at its sixty-first session;

(*b*) To return to this question at its sixty-first session under the same agenda item;

7. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see section I, draft decision 6.]

58th meeting
21 April 2004
[Adopted without a vote. See section III, chap. XIX.]

2004/87. Protection of human rights and fundamental freedoms while countering terrorism

The Commission on Human Rights,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Recognizing that the respect for human rights, democracy and the rule of law are interrelated and mutually reinforcing,

Recalling its resolution 2003/68 of 25 April 2003 as well as General Assembly resolution 58/187 of 22 December 2003,

Taking note of the report of the Secretary-General (A/58/266) and welcoming the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States;

Recalling General Assembly resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reiterating paragraph 17 of section I of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993, which states that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Taking note of General Assembly resolution 58/174 of 22 December 2003 and recalling Commission resolution 2003/37 of 23 April 2003 on human rights and terrorism,

Taking note also of the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Recalling the relevant resolutions of the General Assembly and the Security Council,

Noting the declarations, statements and recommendations by a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Deploring the fact that the number of victims of terrorism has sharply increased worldwide and expressing its profound solidarity with the victims and their families,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in Human Rights Committee general comment No. 29 (2001) on derogations to the Covenant during a state of emergency,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Calls upon* States to raise awareness of the importance of these obligations among national authorities involved in combating terrorism;

3. *Takes note* of the report of the Secretary-General (E/CN.4/2004/91), in particular the conclusions and recommendations presented therein pending the conclusion of the study requested in General Assembly resolution 58/187;

4. *Welcomes* the publication of the "Digest of jurisprudence of the United Nations and regional organizations on the protection of human rights while countering terrorism", and requests the High Commissioner to update and publish it periodically, in accordance with the request of the General Assembly;

5. *Also welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Council and its Committee to continue to develop the cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Council resolutions relating to terrorism;

6. *Requests* all relevant special procedures and mechanisms of the Commission, as well as the United Nations human rights treaty bodies, to consider, within their mandates, the

protection of human rights and fundamental freedoms in the context of measures to combat terrorism and to coordinate their efforts where appropriate in order to promote a consistent approach on this subject;

7. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission and the relevant comments and views of treaty bodies;

8. *Requests* the High Commissioner, making use of existing mechanisms, to continue:

(*a*) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(*b*) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(*c*) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

9. *Also requests* the High Commissioner, taking into account the views of States, to complete the study requested in General Assembly resolution 58/187 concerning the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work, for consideration by States in strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism, with regard to the international human rights institutional mechanisms;

10. *Decides* to designate, from within existing resources, for a period of one year, an independent expert to assist the High Commissioner in the fulfilment of the mandate described in paragraphs 8 and 9 of the present resolution and, taking fully into account the study requested in

General Assembly resolution 58/187, as well as the discussions in the Assembly and the views of States thereon, to submit a report, through the High Commissioner, to the Commission at its sixty-first session on ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism;

11. *Requests* the High Commissioner to submit a report on the implementation of the present resolution to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session.

58th meeting
21 April 2004
[Adopted without a vote. See section III, chap. XVII.]

2004/110. Special Rapporteur on trafficking in persons, especially in women and children

At its 55th meeting, on 19 April 2004, the Commission on Human Rights,

Recalling its resolution 2002/51 of 23 April 2002 and bearing in mind its resolution 2004/45 of 19 April 2004, decided, without a vote:

(*a*) To appoint, for a period of three years, a Special Rapporteur, whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially women and children;

(*b*) To request the Special Rapporteur to submit an annual report, commencing with the sixty-first session of the Commission, together with recommendations, on measures required to uphold and protect the human rights of the victims;

(*c*) That the Special Rapporteur may, as appropriate, and in line with current practice, respond effectively to reliable information on possible human rights violations with a view to protecting the human rights of actual or potential victims of trafficking;

(*d*) To request the Special Rapporteur to cooperate fully with other relevant special rapporteurs, in particular the Special Rapporteur on violence against women, its causes and consequences, and to take full account of their contributions to the issue;

(*e*) Also to request the Special Rapporteur to cooperate with relevant United Nations bodies, regional organizations and victims and their representatives;

(*f*) To invite Governments and international organizations to cooperate fully with the Special Rapporteur;

(*g*) To request the Secretary-General to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur;

The Commission also decided to recommend the following draft decision to the Economic and Social Council for adoption:

[For the text, see section I, draft decision 8.]

[See section III, chap. XII.]

2004/128. Situation of human rights in the Sudan

At its 61st meeting, on 23 April 2004, the Commission on Human Rights decided, by a recorded vote of 50 votes to 1, with 2 abstentions, to adopt a text on the situation of human rights in the Sudan [see annex below]:

[See section III, chap. III.]

ANNEX

Situation of human rights in the Sudan

1. The Commission on Human Rights is deeply concerned about the situation in the Sudan and in particular in Darfur, Western Sudan. The Commission welcomes the conclusion of the N'Djamena peace talks on 8 April 2004 between the Government of the Sudan and the armed groups under the auspices of Mr. Idriss Deby, President of Chad, in the presence of international and regional representatives, including the African Union, United Nations agencies, the European Union, the United States of America and international non-governmental organizations.

2. The Commission welcomes:

(*a*) The full involvement of the Commission of the African Union in the peaceful resolution to the conflict in Darfur and calls upon the African Union and its member States to continue their pivotal role in ensuring the effective and speedy implementation of the N'Djamena agreement;

(*b*) The visit by the African Union team to the Sudan, at the invitation of the Government, with a view to assessing the situation and ensuring respect for human rights and humanitarian law, and the positive response of the Government of the Sudan to the request of the African Commission on Human and Peoples' Rights to dispatch to Darfur a delegation from the Commission which includes the Commissioner in charge of refugees and internally displaced persons.

3. The Commission on Human Rights welcomes the ongoing peace talks at Naivasha, Kenya, aiming at the conclusion of a comprehensive and lasting peace agreement and expresses its firm belief that human rights should be an integral part of such an agreement. The Commission expresses its firm belief that a peaceful settlement to the conflict in the Sudan, which is a responsibility of all parties to the peace talks, will greatly contribute to respect for human rights in the Sudan.

4. The Commission shares the grave concern of the Secretary-General of the United Nations, Mr. Kofi Annan, concerning the scale of reported human rights abuses and the humanitarian situation in Darfur, and welcomes his decision to send a high-level team to Darfur, at the invitation of the Government of the Sudan, to gain a fuller understanding and to establish the facts of the situation in the area.

5. The Commission calls on all parties to the N'Djamena ceasefire agreement to respect the agreement fully and to ensure that all armed groups under their control comply with the agreement. The Government of the Sudan shall commit itself to neutralizing the armed militias.

6. The Commission calls upon the parties to the conflict in Darfur to observe the humanitarian ceasefire and to grant immediate, full, safe and unhindered access to Darfur and elsewhere in the Sudan aimed at delivering humanitarian assistance to all civilians in need and to cooperate closely with the Office for the Coordination of Humanitarian Affairs of the Secretariat and Operation Lifeline Sudan as a further sign of consolidation of the progress already achieved in many regions.

7. The Commission expresses its solidarity with the Sudan in overcoming the current situation. The Commission reiterates the important role played by the African Union and its various mechanisms in helping to reach a peaceful settlement of this question. The Commission further appreciates the leadership of Mr. Idriss Deby, President of Chad, in hosting and chairing the N'Djamena peace talks and expresses its confidence that his sincerity and integrity will enable him to bring this process to a satisfactory conclusion.

8. The Commission calls upon the international community to continue providing relief assistance to the affected population in Darfur and to enhance the efforts of the Government of the Sudan, supported by the African Union, in the peace process.

9. The Commission calls upon the Government of the Sudan actively to promote and protect human rights and international humanitarian law throughout the country; the Commission also calls on the international community to expand its support for these activities and to continue its support for the peace process in the Sudan.

10. The Commission requests its Chairman to appoint an independent expert on the situation of human rights in the Sudan for a period of one year and requests the independent expert to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session on the situation of human rights in the Sudan. The Commission requests the Secretary-General to provide all necessary assistance to the independent expert to enable him/her to discharge his/her mandate fully.

11. The Commission recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see section I, draft decision 9.]

III. Narrative account of the proceedings, including results of voting

Excerpts from chapter III of the Commission draft report (E/CN.4/2004/L.10/Add.3)

...

"Situation of human rights in the Sudan

37. At the 60th meeting, on 23 April 2004, the representative of the Congo (on behalf of the Group of African States) introduced a draft decision contained in a document that was circulated among the members.

38. Statements in connection with the draft decision were made by the representatives of Ireland (on behalf of the European Union) and the United States of America.

39. At the 61st meeting, on the same day, the representative of the United States of America orally proposed to amend the draft decision by adding a new paragraph after the current paragraph 3 and by modifying paragraph 9.

40. Statements in connection with the proposed amendments were made by the representatives of the Congo, Cuba and the United States of America.

41. Statements in explanation of vote before the vote were made by the representatives of Chile, Egypt, Ireland (on behalf of the States members of the European Union that are members of the Commission - France, Germany, Italy, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland; the acceding country that is a member of the Commission - Hungary - aligned itself with the statement) and Pakistan.

42. At the request of the representative of the United States of America, a recorded vote was taken on the proposal to add a new paragraph, which was rejected by 26 votes to 19, with 8 abstentions. The voting was as follows:

In favour: Armenia, Australia, Austria, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bahrain, Bhutan, Burkina Faso, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

Abstaining: Argentina, Brazil, Chile, Mexico, Paraguay, Republic of Korea, Uganda, Ukraine.

43. At the request of the representative of the United States of America, a recorded vote was taken on the proposal to modify paragraph 9, which was rejected by 26 votes to 19, with 8 abstentions. The voting was as follows:

In favour: Armenia, Australia, Austria, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bahrain, Bhutan, Burkina Faso, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

Abstaining: Argentina, Brazil, Chile, Mexico, Paraguay, Republic of Korea, Uganda, Ukraine.

44. Statements in explanation of vote before the vote were made by the representatives of Australia (also on behalf of Canada and New Zealand), Chile, Egypt and Uganda.

45. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

46. At the request of the representative of the United States of America, a recorded vote was taken on the draft decision, which was adopted by 50 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Austria, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Ukraine.

47. For the text of the resolution as adopted, see chapter II, section A, decision 2004/128.

..."

Excerpts from chapter IX of the Commission draft report (E/CN.4/2004/L.10/Add.9)

...

"Situation of human rights in the Democratic People's Republic of Korea

20. At the same meeting, on 15 April 2004, the representative of Ireland (on behalf of the European Union) introduced draft resolution E/CN.4/2004/L.21, sponsored by Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Nicaragua, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Croatia, Honduras, Liechtenstein, Paraguay and Turkey subsequently joined the sponsors.

21. Statements in connection with the draft resolution were made by the representatives of China, Cuba, Japan and the United States of America and the observer for the Democratic People's Republic of Korea.

22. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

23. At the same meeting, statements in explanation of vote before the vote were made by the representative of the Republic of Korea.

24. At the request of the representative of Cuba, a recorded vote was taken on the draft resolution, which was adopted by 29 votes to 8, with 16 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Australia, Austria, Bhutan, Brazil, Chile, Costa Rica, Croatia, Dominican Republic, France, Gabon, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Saudi Arabia, Sri Lanka, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Cuba, Egypt, Indonesia, Nigeria, Russian Federation, Sudan, Zimbabwe.

Abstaining: Bahrain, Burkina Faso, Congo, Eritrea, Ethiopia, India, Mauritania, Nepal, Pakistan, Qatar, Republic of Korea, Sierra Leone, South Africa, Swaziland, Togo, Uganda.

25. For the text of the resolution, see chapter II, section A, resolution 2004/13.

Situation of human rights in Belarus

26. At the same meeting, the representative of the United States of America (also on behalf of the European Union) introduced draft resolution E/CN.4/2004/L.22, sponsored by Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia, Japan, Liechtenstein and Romania subsequently joined the sponsors.

27. Statements in connection with the draft resolution were made by the representatives of China, Cuba, India, Ireland (on behalf of the European Union) and the Russian Federation and the observer for Belarus.

28. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of the Russian Federation moved that the Commission take no decision on the draft resolution.

29. At the request of the representative of the Russian Federation, a recorded vote was taken on the motion, which was rejected by 22 votes to 22, with 9 abstentions. The voting was as follows:

In favour: Armenia, Bahrain, Bhutan, Burkina Faso, China, Cuba, Egypt, India, Indonesia, Mauritania, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sudan, Swaziland, Togo, Ukraine, Zimbabwe.

Against: Argentina, Australia, Austria, Chile, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Paraguay, Peru, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Congo, Eritrea, Ethiopia, Gabon, Mexico, Nepal, Sri Lanka, Uganda.

30. At the request of the representative of the Russian Federation, a recorded vote was taken on the draft resolution, which was adopted by 23 votes to 13, with 17 abstentions. The voting was as follows:

In favour: Australia, Austria, Brazil, Chile, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Armenia, China, Cuba, Egypt, India, Indonesia, Nigeria, Russian Federation, Sierra Leone, South Africa, Sudan, Ukraine, Zimbabwe.

Abstaining: Argentina, Bahrain, Bhutan, Burkina Faso, Congo, Eritrea, Ethiopia, Gabon, Honduras, Mauritania, Nepal, Pakistan, Qatar, Saudi Arabia, Swaziland, Togo, Uganda.

31. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

32. For the text of the resolution, see chapter II, section A, resolution 2004/14.

..."

Excerpts from chapter XII of the Commission draft report (E/CN.4/2004/L.10/Add.12)

(*a*) Violence against women

1. The Commission considered agenda item 12 at its 35th meeting, on 2 April, at its 36th and 37th meetings, on 5 April, at its 38th meeting, on 6 April, at its 55th meeting, on 19 April, and at its 56th meeting, on 20 April 2004.

...

Special Rapporteur on trafficking in persons, especially in women and children

11. At the same meeting, the representative of Germany introduced draft decision E/CN.4/2004/L.62, sponsored by Australia, Burkina Faso, the Congo, Costa Rica, Germany, Libyan Arab Jamahiriya, Nigeria, the Philippines and Poland. Armenia, Belgium, Brazil, Bulgaria, Cameroon, Chile, Croatia, Cuba, Cyprus, Dominican Republic, Ecuador, El Salvador, Ethiopia, Equatorial Guinea, Eritrea, France, Gabon, Georgia, Ghana, Greece, Guatemala, Honduras, Hungary, Iraq, Ireland, Israel, Italy, Kazakhstan, Kenya, Lithuania, Luxembourg, Madagascar, Malta, Mongolia, Nicaragua, Paraguay, Peru, Portugal, Qatar, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Uganda, Zambia and Zimbabwe subsequently joined the sponsors.

12. A statement in connection with the draft decision was made by the representative of India.

13. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications. See footnote 2 above (chap. III, para. 49) of the draft resolution.

14. The draft decision was adopted without a vote. For the text, see chapter II, section B, decision 2004/110.

15. A statement in explanation of vote after the vote was made by the representative of Mexico.

...

Excerpts from chapter XVII of the Commission draft report (E/CN.4/2004/L.10/Add.17)

..."

1. The Commission considered agenda item 17, at its 49th meeting, on 15 April, at its 57th and 58th meetings, on 21 April, at its 59th meeting, on 22 April 2004.

...

"Impunity

57. At the same meeting, the observer for Canada introduced draft resolution E/CN.4/2004/L.110, sponsored by Andorra, Belgium, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Paraguay, Peru, the Republic of Korea, Romania, Sierra Leone, Slovakia, Slovenia, South Africa, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Armenia, Austria, Bosnia and Herzegovina, Croatia, Ecuador, Georgia, Honduras, Hungary, Iraq, Japan, Latvia, Malta, Nicaragua, Serbia and Montenegro, Spain and The former Yugoslav Republic of Macedonia subsequently joined the sponsors.

58. The representative of the United States of America proposed to amend the draft resolution by modifying the eighth preambular paragraph and operative paragraph 9. She further proposed the deletion of operative paragraph 8.

59. Statements in connection with the draft resolution were made by the representatives of Pakistan and the United States of America.

60. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the proposal to amend the eighth preambular paragraph, which was rejected by 36 votes to 9, with 8 abstentions. The voting was as follows:

In favour: Bahrain, Bhutan, Eritrea, India, Indonesia, Pakistan, Qatar, Saudi Arabia, United States of America.

Against: Argentina, Armenia, Australia, Austria, Bahrain, Brazil, Chile, Congo, Costa Rica, Croatia, Dominican Republic, Egypt, Ethiopia, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Nigeria, Paraguay, Peru, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sudan, Sweden, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: China, Cuba, Gabon, Mauritania, Nepal, Sri Lanka, Swaziland, Togo.

61. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the proposal to delete operative paragraph 8, which was rejected by 35 votes to 5, with 13 abstentions. The voting was as follows:

In favour: Eritrea, India, Qatar, Saudi Arabia, United States of America.

Against: Argentina, Armenia, Australia, Austria, Bahrain, Brazil, Chile, Congo, Costa Rica, Croatia, Dominican Republic, Ethiopia, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Nigeria, Paraguay, Peru, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sudan, Sweden, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Bhutan, Burkina Faso, China, Cuba, Egypt, Gabon, Indonesia, Mauritania, Nepal, Pakistan, Sri Lanka, Swaziland, Togo.

62. At the request of the representative of Ireland (on behalf of the European Union), a recorded vote was taken on the proposal to amend operative paragraph 9, which was rejected by 34 votes to 8, with 11 abstentions. The voting was as follows:

In favour: Eritrea, Ethiopia, India, Mauritania, Pakistan, Qatar, Saudi Arabia, United States of America.

Against: Argentina, Armenia, Australia, Austria, Bahrain, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Nigeria, Paraguay, Peru, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sweden, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Bhutan, China, Cuba, Egypt, Gabon, Indonesia, Nepal, Sri Lanka, Sudan, Swaziland, Togo.

63. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

64. Statements in explanation of their respective delegation's positions were made by the representatives of India, the Russian Federation and the United States of America.

65. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/72.

...

Protection of human rights and fundamental freedoms while countering terrorism

85. At the 58th meeting, on the same day, the representative of Mexico introduced draft resolution E/CN.4/2004/L.106, sponsored by Argentina, Austria, Bolivia, Brazil, Canada, Costa Rica, Cyprus, the Czech Republic, Chile, Denmark, Ecuador, Equatorial Guinea,

El Salvador, Estonia, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland. Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, the Dominican Republic, Iceland, Japan, South Africa, Togo, Ukraine and Venezuela subsequently joined the sponsors.

86. The representative of Mexico orally revised operative paragraph 10.

87. The representative of India proposed to amend the draft resolution by adding a new paragraph after operative paragraph 7 and modifying operative paragraph 10.

88. Statements in connection with the draft resolution were made by the representatives of India and Mexico.

89. Statements in explanation of vote before the vote were made by the representatives of China, Cuba and Sri Lanka.

90. At the request of the representative of Mexico a recorded vote was taken on the proposal to insert a new operative paragraph, which was rejected by 26 votes to 22, with 5 abstentions. The voting was as follows:

In favour: Bahrain, Bhutan, Burkina Faso, China, Cuba, Egypt, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Uganda, Zimbabwe.

Against: Argentina, Armenia, Austria, Brazil, Chile, Congo, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Sweden, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Eritrea, Nigeria, Swaziland, United States of America.

91. At the request of the representative of Mexico a recorded vote was taken on the proposal to amend operative paragraph 10, which was rejected by 27 votes to 22, with 4 abstentions. The voting was as follows:

In favour: Bahrain, Bhutan, Burkina Faso, China, Cuba, Egypt, Eritrea, Ethiopia, Gabon, India, Indonesia, Mauritania, Nepal, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Zimbabwe.

Against: Argentina, Armenia, Austria, Brazil, Chile, Congo, Costa Rica, Croatia, Dominican Republic, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Republic of Korea, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Nigeria, Swaziland, United States of America.

92. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft decision.

93. The draft resolution, as revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2004/87.

..."

Excerpts from chapter XIX of the Commission draft report (E/CN.4/2004/L.10/Add.1)

1. The Commission considered agenda item 19 at its 52nd meeting, on 15 April 2004, at its 54th meeting, on 19 April 2004, and at its 58th meeting, on 21 April 2004.

...

Advisory services and technical cooperation

18. At the same meeting, the representative of the Congo (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2004/L.96/Rev.1, sponsored by the Congo (on behalf of the States members of the African Group). Belgium, the Czech Republic, Denmark, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Nicaragua, Norway, Portugal, Switzerland and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

19. The representative of the United States of America orally amended the draft resolution by modifying operative paragraph 9.

20. Statements in connection with the draft resolution were made by the representative of Japan and the observer for Burundi.

21. At the request of the representative of Germany, a recorded vote was taken on the amendment, which was rejected by 41 votes to 2, with 10 abstentions. The voting was as follows:

In favour: India, United States of America.

Against: Argentina, Armenia, Australia, Austria, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, Indonesia, Ireland, Italy, Japan, Mexico, Netherlands, Nigeria, Paraguay, Peru, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sudan, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Bahrain, Bhutan, Eritrea, Mauritania, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Swaziland.

22. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

23. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/82.

...

Technical cooperation and advisory services in the Democratic Republic of the Congo

28. At the same meeting, the representative of the Congo (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2004/L.99, sponsored by the Congo (on behalf of the States members of the African Group). Andorra, Austria, Australia, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Nicaragua, Norway, Poland, Portugal, Serbia and Montenegro, Slovenia, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

29. Statements in connection with the draft resolution were made by the representative of Ireland (on behalf of the European Union, Hungary and Turkey) and by the observer for the Democratic Republic of the Congo.

30. The representative of the United States of America orally amended the draft resolution by modifying operative paragraph 5 (*e*).

31. At the request of the representative of Ireland, a recorded vote was taken on the amendment, which was rejected by 41 votes to 1, with 11 abstentions. The voting was as follows:

In favour: United States of America.

Against: Argentina, Armenia, Australia, Austria, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Croatia, Cuba, Dominican Republic, Egypt, Ethiopia, France, Gabon, Germany, Guatemala, Honduras, Hungary, Indonesia,

Ireland, Italy, Japan, Mauritania, Mexico, Netherlands, Nigeria, Paraguay, Peru, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Sudan, Sweden, Togo, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Abstaining: Bahrain, Bhutan, China, Eritrea, India, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Swaziland.

32. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

33. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/84.

Technical cooperation and advisory services in Chad

33. At the same meeting, the representative of the Congo (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2004/L.100/Rev.1, sponsored by the Congo (on behalf of the States members of the African Group). Nicaragua and the United States of America subsequently joined the sponsors.

34. A statement in connection with the draft resolution was made by the representative of Japan.

35. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

36. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/85.

..."

IV. Administrative and programme budget implications of resolutions and decisions adopted by the Commission at its sixtieth session*

1. At its sixtieth session, the Commission on Human Rights adopted 88 resolutions, 28 decisions and 5 Chairperson statements.

2. A number of resolutions and decisions relate to mandates that do not involve substantive costs or for which provisions have been made in the programme budget for the biennium 2004-2005.

3. Before taking a decision on those resolutions and decisions involving programme budget implications, in accordance with regulation 13.1 of the United Nations Financial Regulations and Rules and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission was informed through oral statements of the estimated costs relating to implementation of the requests contained in the resolutions and decisions. In accordance with rule 31 of the rules of procedure of the Council, the statements read out by the secretariat in relation to the resolutions or decisions contained in this document are reproduced in an addendum to it (E/2004/L.6/Add.1).

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* The text of these administrative and programme budget implications will be reproduced in its final, edited form as annex IV to the final report of the Commission on Human Rights on its sixtieth session.

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Agenda item 2
Adoption of the agenda and other organizational matters

HUMAN RIGHTS QUESTIONS

Excerpt from the report of the Commission on Human Rights on its sixtieth session for consideration by the Economic and Social Council at its resumed organizational session for 2004*

This addendum is submitted in accordance with rule 31 under the rules of procedure of the Economic and Social Council and the provisions contained in paragraph 3 of chapter IV of the excerpts from the report of the Commission on Human Rights at its sixtieth session (E/2004/L...). In that paragraph, it was indicated that the present addendum would include the statements on administrative and programme budget implications circulated by the Secretariat at the sixtieth session of the Commission on Human Rights in relation to the resolutions and decisions referred to in the report E/2004/L... .

Taking note of the above, included in this present addendum are perennial activities with new mandates adopted by the Commission on Human Rights at its sixtieth session. Please note

* The final edited report of the Commission on Human Rights on its sixtieth session will be issued as *Official Records of the Economic and Social Council, 2004, Supplement No. 3*. The texts reproduced in this addendum are as adopted *ad referendum* by the Commission.

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that, other perennial activity mandates which were renewed by the Commission at its sixtieth session and having programme budget implications will be included in the later addendum as part of the full report to the Economic and Social Council.

Programme budget implications of draft resolution E/CN.4/2004/L.21 on the situation of human rights in the Democratic People's Republic of Korea. Adopted as resolution 2004/13.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under operative paragraph 5 of this draft resolution, the Commission would request the Chairperson of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

2. Under operative paragraph 10 of this draft resolution, the Commission would request the Special Rapporteur to report his/her findings and recommendations to the General Assembly at its fifty-ninth session and to the Commission on Human Rights at its sixty-first session.

3. Total full costs of the activities envisaged under this draft resolution, if adopted, would amount to US$ 54,200 in the biennium 2004-2005 under Section 24, Human Rights.

4. The mandate of the Special Rapporteur falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

Programme budget implications of draft resolution E/CN.4/2004/L.22 on the situation of human rights in Belarus. Adopted as resolution 2004/14.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under the terms of operative paragraph 5 of this draft resolution, the Commission would decide to appoint a Special Rapporteur, from within existing resources, to establish direct contacts with the Government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a programme on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society, and to report to the Commission on Human Rights at its sixty-first session.

2. Total full costs of the activities envisaged under operative paragraph 5 of this draft resolution, if adopted, would amount to US$ 44,600 in the biennium 2004-2005 under Section 24, Human Rights.

3. The mandate of the Special Rapporteur falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

4. As regards the appointment of the Special Rapporteur "from within existing resources", the attention of the Commission is drawn to the provisions of resolution 45/248 part B VI, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

Programme budget implications of draft resolution E/CN.4/2004/L.62 on a Special Rapporteur on trafficking in persons, especially women and children. Adopted as decision 2004/110.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under operative paragraph (a) of this draft resolution, the Commission would decide to appoint for a period of three years a Special Rapporteur, whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially in women and children.

2. Under operative paragraph (g) of this draft resolution, the Commission would request the Secretary-General to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur.

3. Total full costs of the activities envisaged under operative paragraphs (a) and (b) of the draft resolution, if adopted, would amount to US$ 127,400 in the biennium 2004-2005 under Section 24, Human Rights.

4. The mandate of the Special Rapporteur falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the current biennium 2004-2005 for activities of this nature and would be included in the proposed programme budget for the biennium 2006-2007. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

5. In connection with operative paragraph (g), the attention of the Commission is drawn to the provisions of resolution 45/248 part B VI, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

6. It is also recalled that by its resolution A/58/271 A of 23 December 2003, the General Assembly approved under the regular budget for the biennium 2004-2005 resources for the OHCHR of $56,794,500 under Section 24, Human Rights. At that time, the General Assembly was also informed that the OHCHR projected extra-budgetary resources of $90,106,500 for the same period.

Programme budget implications of draft resolution E/CN.4/2004/L.96/Rev.1 on advisory services and technical cooperation in Burundi. Adopted as resolution 2004/85.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under operative paragraph 23 of this draft resolution, the Commission would decide to appoint an independent expert to provide backing for the Government of Burundi in its efforts to improve the human rights situation.

2. Under operative paragraph 24 of this draft resolution, the Commission would request the independent expert, inter alia, to submit an interim report on the implementation of this resolution to the General Assembly at its fifty-ninth session, and to report to the Commission on Human Rights at its sixty-first session.

3. Total full costs of the activities envisaged under operative paragraphs 23 and 24 of the draft resolution, if adopted, would amount to $56,200 in the biennium 2004-2005 under Section 24, Human Rights.

4. The mandate of the Independent Expert falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

Programme budget implications of draft resolution E/CN.4/2004/L.99 on advisory services and technical cooperation in the Democratic Republic of the Congo. Adopted as resolution 2004/85.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under operative paragraph 7 of this draft resolution, the Commission would decide:

(a) To appoint an independent expert to provide assistance to the Government of the Democratic Republic of the Congo in the field of human rights, to study the evolving situation of human rights in the Democratic Republic of the Congo and to verify that its obligations in this field are being fulfilled;

(b) To request the independent expert to submit a progress report on the implementation of the present resolution to the General Assembly at its fifty-ninth session, and to report to the Commission on Human rights at its sixty-first session.

2. Total full costs of the activities envisaged under operative paragraphs 7 (a) and 7 (b) of the draft resolution, if adopted, would amount to $49,000 in the biennium 2004-2005 under Section 24, Human Rights.

3. The mandate of the Independent Expert falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

Programme budget implications of draft resolution E/CN.4/2004/L.100/Rev.1 on advisory services and technical cooperation in Chad. Adopted as resolution 2004/85.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under operative paragraph 6 of this draft resolution, the Commission would decide to appoint an independent expert for an initial period of one year to facilitate cooperation between the Government of Chad and the Office of the High Commissioner in the promotion and protection of human rights and to submit a report to the Commission at its sixty-first session.

2. Total full costs of the activities envisaged under operative paragraph 6 of the draft resolution, if adopted, would amount to $50,000 in the biennium 2004-2005 under Section 24, Human Rights.

3. The mandate of the Independent Expert falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

Programme budget implications of draft resolution E/CN.4/2004/L.106 on protection of human rights and fundamental freedoms while countering terrorism. Adopted as resolution 2004/87.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under operative paragraph 10 of this draft resolution, the Commission would decide to designate, within existing resources, for a period of one year an independent expert to assist the High Commissioner for Human Rights in the fulfilment of the mandate spelled out in operative paragraphs 8 and 9 of this resolution and, taking fully into account the study requested in United Nations General Assembly resolution 58/187, as well as the discussions in the General Assembly and the views of States thereon, to present a report to the sixty-first session of the Commission on Human Rights on ways and means to strengthen the promotion and protection of human rights and fundamental freedoms while countering terrorism, with regard to international human rights institutional mechanisms.

2. Total full costs of the activities envisaged under operative paragraph 10 of the draft resolution, if adopted, would amount to $15,000 in the biennium 2004-2005 under Section 24, Human Rights.

3. The mandate of the Independent Expert falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

4. In connection with reference to "within existing resources", the attention of the Commission is drawn to the provisions of resolution 45/248 part B VI, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

Programme budget implications of draft resolution E/CN.4/2004/L.110 on impunity. Adopted as resolution 2004/72.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under operative paragraph 20 of this draft resolution, the Commission would request the Secretary-General to appoint an independent expert, from within existing resources and for a period of one year, to update the Principles to reflect recent developments in international law and practice, including international jurisprudence and State practice, and taking into account the independent study and comments received pursuant to the present resolution, for consideration by the Commission no later than at its sixty-first session.

2. Total full costs of the activities envisaged under operative paragraph 20 of the draft resolution, if adopted, would amount to $15,000 in the biennium 2004-2005 under Section 24, Human Rights.

3. The mandate of the Independent Expert falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

4. In connection with reference to "within existing resources", the attention of the Commission is drawn to the provisions of resolution 45/248 part B VI, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

Programme budget implications of draft resolution E/CN.4/2004/Future 6 on the situation of human rights in the Sudan. Adopted as decision 2004/128.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

This statement is made in accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council.

1. Under paragraph 10 of this draft decision, the Commission would request the Chairman of the Commission to appoint an independent expert on the situation of human rights in the Sudan for a period of one year and would request him/her to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session on the situation of human rights in the Sudan.

2. Total full costs of the activities envisaged under paragraph 10 of the chairperson's statement, if adopted, would amount to US$ 51,600 in the biennium 2004-2005 under Section 24, Human Rights.

3. The mandate of the Independent Expert falls under the category of activities considered to be of a perennial nature. Provisions have already been included in the programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

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Sweden: draft resolution

Report of the Committee for Development Policy

The Economic and Social Council,

Recalling General Assembly resolution 46/206 of 20 December 1991,

Expressing its conviction that no country graduating from the least developed country category should have its positive development disrupted or reversed but should be able to continue and sustain its progress and development,

Emphasizing the need for putting in place a process for smooth transition of countries graduating out of the group of least developed countries,

1. *Takes note* of chapter IV of the report of the Committee for Development Policy on its fifth session[1] and the conclusions contained therein, inter alia, that Cape Verde and Maldives qualified for graduation from the list of least developed countries;[2]

2. *Requests* the Secretary-General, in consultation with Member States, to submit to the Economic and Social Council at its substantive session of 2004, a report including recommendations on how to formulate a smooth transition strategy for countries graduating from least developed country status;

3. *Also requests* the Secretary-General to prepare the report in an inclusive and transparent manner with the involvement of Member States, in particular the least developed countries, as well as bilateral and multilateral donors and relevant international organizations;

4. *Decides* to take a decision on a smooth transition strategy for countries graduating from least developed country status and on the graduation of Cape Verde and Maldives from the list of least developed countries at its substantive session of 2004.

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[1] *Official Records of the Economic and Social Council, 2003, Supplement No. 13* (E/2003/33).
[2] Ibid., para. 35 (b).

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